

COMMITTEE ON LANDS AND BUILDINGS

January 10, 2005

6:15 PM

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Roy, Gatsas, Osborne, Porter

Messrs. Mayor Baines, J. Hills, K. Edwards, R. MacKenzie, S. Tellier

Chairman Thibault addressed Item 3 of the agenda:

Discussion of Hackett Hill Business Park Development.

Ms. Hills stated the Board of Mayor and Aldermen approved the Hackett Hill Master Plan at its meeting on December 2 and we are here this evening to discuss the development of that property according to the plan. We are here tonight to seek approval and referral to the full Board of three specific actions regarding the future development of what we are calling the Northwest Business Park at Hackett Hill. First we are requesting the approval of the Northwest Business Park as Project #4 of the existing Cooperation Agreement dated November 6, 2002 between the City and the Manchester Housing and Redevelopment Authority. There are copies of both Project #4 and the Cooperation Agreement. They have been handed out before but we thought they were probably buried in the bottom of your pile so we are handing them out again to you. The second item, because this project involves the development of City land we would ask that this Committee have oversight responsibility for the project. The original Cooperation Agreement mentions the Committee on the Civic Center. I am not sure that that is a logical segway so we are asking that this Committee retain the oversight for this project. Third, we are requesting approval of the development plan for the Northwest Business Park. This plan spells out in detail the covenants and restrictions on the park to assure quality development.

Alderman Gatsas asked Ms. Hills wasn't there a directive sent out by the full Board for an RFP to developers.

Ms. Hills replied I am not aware that there was one. It was mentioned but this Committee did not make it into a directive nor did it go to the full Board as far as I am aware.

Alderman Gatsas moved to postpone or table until we get an answer because I believe there was a directive that was sent to the full Board and the full Board made the decision that an RFP process was going out. I believe Alderman Porter made that motion and I seconded it.

Chairman Thibault asked Alderman Porter do you remember that. I am drawing a blank.

Alderman Porter stated I believe I seconded the motion for approval of the Master Plan and the motion that Alderman Gatsas made I am not totally sure of the wording in that motion.

Chairman Thibault asked would the City Clerk have that.

Deputy Clerk Normand responded we are going to research the minutes right now.

Alderman Roy stated instead of tabling this can we postpone it until after the discussion of Item 7 in our agenda.

Chairman Thibault replied I have no problem with that.

Chairman Thibault addressed Item 4 of the agenda:

Communication from Steven Tellier, Chairman of the Board of Assessors, requesting that the City Hall Complex west wing conference room (first floor) be allocated to the Board of Assessors in order to meet space requirements.

Alderman Porter stated I believe that City Hall including the Annex is under Leo Bernier. I spoke with Leo today and he said he has no problem with this. I would like to just refer this to Leo and let him use his judgement. Let's just receive and file this. I don't think there is any need for this Board to take any action other than for information. I think that Leo does have the...it would be his prerogative only because he is familiar with the building and the use. I would like to move to receive and file.

Alderman Roy duly seconded the motion with an amendment that the request be sent to CIP for funding for any changes that are necessary.

Chairman Thibault asked does it have to go to CIP.

Alderman Roy stated there is a small dollar amount for a doorway change and this would just expedite it if it went directly to CIP.

Chairman Thibault called Steve Tellier forward.

Steve Tellier, Chairman, Board of Assessors stated what I have before you in green outlines the Assessor's general office area. The immediate area highlighted by yellow is the conference room in question. I spoke with City Clerk Leo Bernier as well as Mayor Baines who came down to look at our operation. We have employees in hallway areas and in a very tiny cubicle. The Mayor and the City Clerk concurred. We also checked on the use in 2004 of this conference room and it was used a total of eight times. Five of those times was with staff from the Assessor's Office. The Mayor and City Clerk concurred that that would be a good segway and a good use for that facility. The small area in blue that you see highlighted before you is actually an area in a bearing wall that is a window that exists behind the metal stud and sheetrock. The funding required would be \$5,000 to \$6,000 that I got as an estimate from Tim Clougherty and Kevin Sheppard of the Highway Department on what it would cost to open that metal stud area and provide a door there. I have also spoken with Bob MacKenzie and Sam Maranto regarding the possibility of a small amount of funds being found in a remaining CIP amount and I am going to work with them. I would ask to refer this to CIP and I will earmark the funding request to CIP.

On motion of Alderman Roy, duly seconded by Alderman Porter it was voted to refer this item to CIP for funding.

Chairman Thibault addressed Item 5 of the agenda:

Communication from Atty. Peter Tamposi, on behalf of Richard Exline, requesting a modest lot line adjustment and the termination of an access easement owned by the City.

Board of Assessors –value range \$3,000 – \$3,500

Planning – no report submitted

Tax Collector – no interest, not tax-deeded parcel

Highway – comments submitted

Parks – no report submitted

Alderman Porter stated the only question that I have...I was looking at the map and I also took a ride out there and according to Ron Ludwig they don't have a pressing need to retain the property, however, there is another abutter directly, well obviously adjacent because he is an abutter to that property. This is a unique property in that it is in back of two separate properties on different streets. Mr. Exline's property is on Candia Road and the other, Mr. Dougherty's, is on Groveland. That piece of land is directly behind Mr. Dougherty and Mr. Exline. I think in keeping with the typical way that we dispose of property, assuming it is found surplus that either or both of the abutters could have an opportunity to either bid on it or purchase it. It wouldn't make sense for someone else to own it other than those two immediate abutters. I am kind of reluctant to go ahead this evening and approve this without at least having Mr. Dougherty weigh in. Maybe he is not even interested in it but I think we should at least make an attempt to find out.

Alderman Roy stated before we discuss selling this or who we should be selling it to, I think the conversation whether or not this is surplus property should come into play. I have severe reservations as to whether or not the existing right-of-way and what the attorney labeled Parcel A, the ¼ acre, should be considered surplus property. This is one of the few remaining City-owned acreages over five or seven acres and it also does abut Youngsville Park, which has been used for many years now. I would have extreme reservations as to whether this is surplus and should be disposed of.

Mr. MacKenzie stated we have just briefly reviewed it today. We have not provided a report because I did want to do a little bit more research in speaking with Ron Ludwig. We would normally be hesitant about getting rid of parklands. We have chipped away at many of our parks for public purposes. We have used parklands for other uses so unless it was clearly not needed for park use we probably would not identify parkland as surplus.

Alderman Osborne asked is Mr. Tamposi here this evening or someone representing him.

Alderman Roy moved to receive and file. There was no second.

Alderman Porter stated I think rather than just receive and file it and kill it immediately I think that maybe a little bit of information possibly from Ron Ludwig as far as the Parks Department needing it. One solution to this rather than do the full request would be to move the property line slightly so that Mr. Exline's shed is not on the City's property. That, I think, would not be an unreasonable

thing. It is 3,700 square feet roughly so we are not talking about a substantial parcel, however, I would rather not just receive and file and if my colleague would consider tabling it I would appreciate it.

Chairman Thibault asked Ron Ludwig to come forward.

Ron Ludwig, Parks, Recreation & Cemetery Director stated I would echo the comments of Mr. MacKenzie in terms of our position on any piece of parkland is to be protective of it. We looked at this particular piece and given the configuration of the small parcel, it is like a little flag or tail on the end that kind of weighed into our decision to say that we could probably recommend it as surplus, however, it is a piece of property that is contiguous to a larger piece and we hate to relinquish any rights to that kind of property but maybe there is another way to adjust the situation that the gentleman is in as well.

Chairman Thibault stated I am just wondering if it should go to the Parks & Recreation Commission to make a decision on it before it comes to us.

Mr. Ludwig responded I am of the understanding that the Parks Commission wouldn't have...I mean they may have an opinion and it may be nice to ask them next Tuesday, which I could certainly do but I think the decision really comes down to this Board and our recommendation.

Alderman Roy stated I have a question for you, Ron, but first I will concur with the Alderman from that ward that I will support tabling it if that is his wish. The question I have is the triangular piece, which would be, I believe, along Route 101 to the north of this property, have you seen the aerial that we were handed, you have Youngsville Park to the right, Lot 522 and Lot 5, which is a City-owned parcel and then to the top of the page you have a triangular piece with what looks like two industrial buildings on it or possibly three. Who owns that property? Does anyone know? So hypothetically from Candia Road through Youngsville Park and Lot 522 and Lot 5 through to the state highway is all City or State owned property. While I do have consideration for the Alderman in that area I would have a great concern about selling off part of this property but I will support the tabling motion.

Alderman Porter replied I would like to explain the reason for tabling. Perhaps...do you know Ron off hand how much of a lot adjustment might accommodate a shed because I think that now we have discussed this, that shed could become a potential problem if the Exlines were to sell the property. They

have a shed, which is encroaching City property. It has probably been that way for many, many years but Steve Tellier did you...how many feet would it require to adjust or accommodate the shed?

Alderman Gatsas stated while they are looking I don't have a problem with where the Alderman from the ward is going but if you take a look three lots down there is another shed that is encroached.

Steve Tellier, Chairman, Board of Assessors stated that is correct. I was going to bring your attention to that. It encroaches on another lot as well.

Alderman Gatsas replied so we would be opening up a can of worms here.

Mr. Tellier responded that is correct. Generally...the total parcel request is a little over 3,400 or almost 3,500 square feet so the initial request is nominal in nature and if you look at the sketch it would square off to some degree most of the other abutters but as far as the encroachment of the shed it appears to encroach on more than just the City land.

Alderman Osborne asked how many worms would this involve. You are saying one or two sheds. How many would there be total do you think that would be encroaching City property?

Mr. Tellier answered it is only one shed but from the sketch...if you look at Item 5 in your agenda it is a little bit hard to see but you can see the smaller...when you see the plan before you, you can see the parcels at the top of the page but if you look below that you can see a blow up of the parcel in question. You can see the house, where it is situated on the lot towards the dotted line 2/3 of the way leading to the left. You can see where the shed encroaches on other land as well. It appears to be on the neighbor's lot.

Alderman Osborne asked so what would correcting both of these involve.

Mr. Tellier answered actually you are only correcting the City's portion of the encroachment. The other portion of encroachment is on private property. That is a problem for his neighbor and I don't believe it would affect the City at all.

Alderman Porter stated perhaps you can show me this. I am probably missing something. I am not seeing where it encroaches.

Mr. Tellier showed Alderman Porter the sketch.

Alderman Porter asked so even if he acquired this whole thing he would still be encroaching on the neighbor.

Mr. Tellier answered that is correct.

Alderman Porter moved to table the item. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

Chairman Thibault addressed Item 6 of the agenda:

Communication from Donna Wood advising of her interest to purchase the former fire station at Weston and Concord Streets.

Board of Assessors – no report submitted

Planning – recommend not be considered “surplus”

Tax Collector – no report submitted

Alderman Osborne moved to receive and file. Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

TABLED ITEMS

7. Communication from Urban Ponds Restoration Program reference: Black Brook/Maxwell Pond Stream Restoration Proposal.
(Tabled 08/10/2004 – public hearing scheduled for Thursday, January 20, 2005 at 7:00 PM in the Aldermanic Chambers of City Hall.)

This item remained on the table.

8. Land between Valley and Grove Streets previously owned by B&M Railroad.
(Tabled 05/26/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)
Board of Assessors – value range \$57,448
Planning – do not dispose, license might be considered with conditions
Parks & Recreation – do not dispose; temporary use license or agreement subject to conditions to be considered

9. Land at Belmont/Valley/Grove Streets formerly owned by B&M Railroad
(Last tabled 07/27/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)
Board of Assessors – value range \$26,484
Planning – recommend license for usage subject to conditions
Tax Collector – no interest, not tax-deeded parcel

10. Land at Maple/Somerville Streets formerly owned by B&M Railroad.
(Last tabled 07/27/2004 pending standard policy for purchasing railroad land to be submitted by Planning.)
Board of Assessors – value range \$21,084
Planning/Parks – do not dispose, recommend license for usage subject to conditions

On motion of Alderman Roy, duly seconded by Alderman Osborne it was voted to remove items 8, 9 and 10 from the table.

Mr. MacKenzie stated it has been the City's intent to utilize these right-of-ways eventually for pedestrian connections and trails. There are, however, also restrictions by the state who granted us these right-of-ways so we have very limited availability to actually dispose of these. They have a right to have transmission lines, fiberoptic lines as well as future rights of transportation access on these. Generally the staff in preparing the policy and I don't know if the Committee has seen this so I am hesitant to spring it on you but in general we are recommending that the entire line not be deemed surplus but that in unusual circumstances if someone had, for example, a building on the property or some pavement there existing that the City could issue a revocable license for that. The City has done that before with some buildings within street right-of-ways. So we do recommend that the City hold on to it but in order to help property owners who might be in a jam the City could issue revocable licenses for that. That process could either be handled at the staff level or could be handled at the Committee level I believe. I might like concurrence with Tom Arnold but it would relieve this Committee if you authorize the City Solicitor to issue licenses in certain situations it might relieve this Committee from seeing all of these applications but that would be your choice.

Alderman Osborne asked have you come up with any costs here at all as far as a license fee. We are not going to go back to charging them the appraisal and so on and so forth here. I mean there were a lot of different things running around last time. What is your recommendation on the license?

Mr. MacKenzie answered we would probably recommend that the Assessor's establish some value to that license because there would be a value. I know that we had a very brief discussion with Steve Tellier and he had some concerns that he would like to work out but again there could be an amount established by the Assessors for the value of a license.

Alderman Osborne stated I noticed in my ward one particular concern put a lot of time and effort in cleaning it up and made it look quite well and I don't know how we could actually charge them for doing something like this. It is quite a situation here where some people probably want to use it to extend their car lot or something like this. I can see that but how are we going to divide...someone just enhancing it and making it look well just for the sake of that and not having abandoned cars on it and so on and so forth and the person who wants to use it for a car lot. How are we going to divide or how are you going to price this?

Mr. MacKenzie responded it is my opinion that if they just want to improve the greenery and clean out the junk that they be authorized to work with Parks & Recreation to do that. Right now, for example, people who have sidewalks in front of their house frequently they maintain those. They plow them and frequently fix them at their own cost or the cost of the 50/50 sidewalk program. If they are not actually using it for a structure or for a parking lot and they just want to clean or maintain or grow grass to make it look nice I think they can work with Parks & Recreation to do that without necessarily having a license to do that.

Alderman Osborne asked so this would be at who's discretion.

Mr. Tellier stated one it clearly has to be deliberated exactly as you identified as to who would be the governing authority to determine whether it is just beautification or utility for parking, access or whatever the case may be. Some party would have to be identified for that. Also, some party would have to be identified to allocate a value whether it is being utilized for a non-residential purpose beyond just beautification. Additionally, a party has got to be identified as to is this going to be in the form of a payment in lieu of taxes, who is going to send that bill out, who is going to track that and keep current on this.

Chairman Thibault stated one other thing I was just thinking about was liability.

Mr. Tellier responded that would be a question, I suspect, for the City Solicitor.

Alderman Osborne asked so how can we round this up.

Deputy Solicitor Arnold stated depending on the circumstances the City could incur a liability, yes.

Chairman Thibault stated we need to have this checked out.

Mr. Tellier stated there are quite a few issues here. Granted it is clear that the City has benefited from the beautification of some sections of the track. They got rid of the ties and opened it up and cleaned it up so there is a benefit to the City but I just wanted to clarify some of the issues that we have identified in speaking with Bob MacKenzie and the City Solicitor's Office.

Chairman Thibault stated again if they beautify it that is one thing and I understand and I am glad to see that but are we liable if anybody gets hurt there. That is the next question that we need answered.

Alderman Roy stated thank you Bob for the work that you have done on getting us this. I see the first thing that we should be looking at is whether or not this is surplus property. At this point I would like to move that it not be surplus property. The other question I would throw at Bob MacKenzie is that in looking at parts of this abandoned railway there are sections like the area of Valley and Belmont Streets that have been fenced off closing off the potential rail line or the railway. While I do appreciate people trying to beautify the property, I do take offense to people just arbitrarily fencing off City property. Could you comment on that and what our remedy would be?

Mr. MacKenzie responded I think wherever a location is identified where that has happened that...again I think this should be under the jurisdiction of Parks & Recreation. They should notify the property owner to remove that fence or obstruction.

Chairman Thibault asked Tom, if we could in fact lease a section of this is there a way we could indemnify the City so we would not be liable.

Deputy Solicitor Arnold responded the City, as I said, may incur some liability. There are certainly ways we could make the requesting owner bear that liability by either indemnifying the City and/or requiring the purchase of insurance with the City named an additional insured. Just to be clear the policy does not contemplate the lease of any property. What it contemplates is a revocable license, which basically is a license that says look you can use it now but if at any time in the future whether it be a week, two weeks, a year or 10 years the City decides for whatever reason that they do not want to permit that use anymore the licensee could be forced to remove it.

Alderman Osborne stated that is what I was trying to get at here because we have liability in everything involved here. I think the best thing is probably to leave it alone. I think if somebody wants to come and clean it up a little bit that is their prerogative I guess and we don't mind that but to try to figure out who is going to be leasing it and for what and who has the liability, that is a long track. We are going to go out of our minds here figuring out what to do and how much to charge. Probably we are opening a can of worms.

Chairman Thibault stated probably the next question is who is going to track that. Who are we giving it to?

Alderman Osborne replied that is another story. Who is going to police it? That is a lot of work. I think if they do things like that it has to be removed. You can't just put fences and so on on somebody else's property so you can't do it on City property. It is that simple. I think they all know. If they want to enhance it, I think that is fine. I don't see why the City should squawk about that like a couple of them have done. They have done a nice job. It looks good and they know they don't own it. I think it should just be left the way it is and take a little policing that way and if a fence is put up it has to come down.

Alderman Osborne moved to receive and file. There was no second.

Alderman Roy stated because I do recognize that some people have made an effort to obtain these properties and beautify them I have a question for Bob. Bob, who would be the department that someone would seek a license? Where would the logical location for this be?

Mr. MacKenzie responded we are recommending the Parks & Recreation Department.

Alderman Roy stated so if we recommended that it is not surplus and this rail line could be licensed through the City within the guidelines that you put together regarding private sector use of the former Portsmouth Branch Railroad Line and Right-of-Way and that Parks & Recreation would administer such license would you be in support of that.

Mr. MacKenzie answered yes.

Alderman Roy moved that the properties in Items 8, 9 and 10 not be found surplus and that Parks & Recreation administer a licensing procedure with review by the City Solicitor's Office to license these properties at the \$4 per square foot that the Assessor's have brought forward.

Chairman Thibault duly seconded the motion.

Alderman Roy stated if I could explain my motion, these items have been here almost as long as I have and as the Alderman next to me said it has been around a lot longer than that. We need to reward the people who are willing to beautify these railroads. We need to make them an income producing property of the City and we need to be able to police the ones that are not being beautified and maintained to a standard that I think Parks & Recreation will be able to monitor. So some action needs to be taken. This is a rail line that does have a lot of potential. When funding is available, I do agree that Planning is going to do their best with Parks & Recreation to connect the City to the seacoast on a trail line but for now we need to take some action that they don't get fenced off and they don't get littered with cars and that they do provide some sort of income to offset that policing.

Alderman Gatsas asked Mr. MacKenzie can you tell me this trail that will be going from Manchester to the seacoast are there any properties in between that have been sold to the abutters by the railroad or is it all owned by the City.

Mr. MacKenzie answered in this particular case, all of the property is owned by the City or already in a trail system. There is an obstruction, but that was actually created by the City at Peabody Avenue. There is no intervening...the only exception to that is where it crosses the Elliot Hospital. The old rail line crossed that but the City did retain rights to put a passageway across the area that ultimately the Elliot Hospital paved. So it is an unbroken access all the way from Manchester to the seacoast.

Alderman Gatsas asked what about where Standard Uniform is.

Mr. MacKenzie answered is that Alltechs. The City, as I understand it, still owns that property.

Chairman Thibault called for a vote on the motion. The motion failed with Aldermen Gatsas, Osborne and Porter duly recorded in opposition.

Mr. MacKenzie stated we would not be opposed to Alderman Osborne's approach. It actually simplifies everything for the staff. We were trying to bend over backwards for any property owners that might have an exceptional situation where they could get a license just to prevent any undue hardship. Generally, it would be easier for the City staff, both us and Parks & Recreation, if we just said we are keeping this rail line for a number of purposes and we are also required to by the state and we will not sell portions or license portions to anybody.

Alderman Gatsas stated if we don't charge...my problem is that you are going to get into a cost here one if you are getting a fee for your land use and you are looking for an indemnification agreement it is kind of a like a double-whammy to whoever is looking to either park on it or do what they are going to do because at some point the risk of something happening on the property if we are getting a fee and we don't get an indemnification agreement that means the City is going to be responsible if we are receiving the fee and there is no indemnification agreement. So, either we don't charge a fee and get an indemnification agreement or do both but I don't think you can do one without the other. I don't know...in the last Committee I sat on we did a transaction on a land deal and paid legal fees of \$150,000. I am not too sure that if we took the railroad bed from Manchester to Hampton at \$4/foot that it is going to get us \$150,000. It might but I don't know. What are we talking for, Bob, on the first one that we are talking between Valley and Grove?

Mr. MacKenzie asked in terms of how much they are actually requesting.

Alderman Gatsas asked how many square feet.

Mr. MacKenzie answered we can calculate that.

Alderman Gatsas asked is that the \$57,000. That would be for sale wouldn't it.

Mr. MacKenzie responded it is actually a modest amount of square footage. It might be a couple of thousand square feet if Tom Nichols can find it for us.

Tom Nichols, Assessor, stated it is 14,362 square feet. This is Item 8 on the agenda.

Alderman Gatsas replied I was wrong. Maybe it is close to \$150,000. And you are talking that the \$4 would be on a yearly basis?

Mr. Nichols responded yes.

Alderman Gatsas asked where did you come up with that.

Mr. Nichols answered there was one sale from the Boston & Maine Railroad on the west side. I can't remember the exact owner now. The other one was City Fuel. City Fuel bought part of the railroad bed from the railroad at \$4/square foot and that is what we have been using.

Alderman Gatsas asked this is about a proposed parking area. For somebody to pay \$57,000 a year for a proposed parking area...

Mr. Nichols interjected that is just the value that we placed on it. This has nothing to do with the license. We have to figure out a method for the license itself. We have a couple of methods we can use.

Alderman Gatsas stated Alderman Roy was at \$4/foot and that is \$57,000 so if that is not what we are talking about here then we need to change it because if we are talking about \$57,000 on a 14,000 square foot piece, which is about 80 spaces that seems like a pretty exorbitant amount of money for someone to use a railroad bed.

Mr. Nichols responded we were asked to come up with a marketing value of the property and the \$57,448 was what the market value is and you can multiple that times the tax rate to get what the license would be per year.

Alderman Gatsas asked what is that number.

Mr. Nichols answered \$1,603.95.

Alderman Gatsas asked so it is not \$57,000. You are talking about a license fee of about \$1,600.

Mr. Nichols answered that is correct.

Alderman Gatsas stated that sounds more reasonable.

Alderman Gatsas moved to get a licensing fee and an indemnification agreement from whoever wants to use the property.

Chairman Thibault asked what if they just want to beautify.

Alderman Gatsas answered it should be the same and consistent with every one.

Chairman Thibault asked in other words they would have to pay a fee to beautify it. That doesn't make sense.

Alderman Roy duly seconded the motion. Chairman Thibault called for a vote. The motion carried with Alderman Osborne being duly recorded in opposition.

Mr. Tellier stated just to clarify there are a couple of other issues that still need to be discussed. One would be who would track these licenses. I think you talked about Parks & Recreation but also who would be in charge of sending a bill, a fee in the licensing process. I appreciate Alderman Gatsas' concern that some sort of similar fashion be applied to everybody whether they are looking at parking one car or looking at 50 cars or playground material or something like that. If you are going to do for one you have to do for everybody but the mechanism needs to be discussed on who is going to track these fees, who is going to be in charge of billing it, where it goes in collecting it and that type of thing.

Alderman Gatsas moved that the Assessor's Office be in charge of the billing, issuing and tracking. Alderman Osborne duly seconded the motion.

Chairman Thibault stated well that is going to be a new function for them. Wouldn't that be a new function for you completely?

Mr. Tellier answered yes it would be. I would recommend the Planning Department because they are the ones supporting it.

Alderman Porter asked what would be the specific function.

Alderman Gatsas answered I would assume that anyone wanting a license would come to this Committee first and we would approve it and send it off to one of the departments to do the bill along with the City Solicitor.

Mayor Baines stated if you are talking about licensing why wouldn't that be the City Clerk's Office.

Alderman Gatsas responded your Honor that is a great idea.

Mayor Baines stated if you are going to do that.

Alderman Gatsas asked is that a motion your Honor.

Mayor Baines answered I don't make motions. I just give suggestions.

Alderman Porter stated Mr. Chairman I wasn't going to support sending it to the Assessors but I just wanted to get it out for discussion. I don't believe it belongs with the Assessor's Office.

Alderman Gatsas stated I will accept a friendly amendment.

Alderman Porter asked you made the motion didn't you.

Alderman Gatsas asked who made the second.

Alderman Osborne stated I did. I will withdraw my second.

Mayor Baines asked, Matt, how would that fit within the types of things that you are doing now.

Deputy Clerk Normand replied well I guess we would need to know more about the process but my understanding is that these people would be paying a license fee. Have we determined a cost? I mean how is the cost going to be determined?

Mr. Nichols stated we can work with the City Clerk's Office on this.

Chairman Thibault asked can you work with the City Clerk's Office on arriving at a cost.

Deputy Clerk Normand stated I can talk to Leo Bernier and if he has any great opposition to it, we can get back to you.

Chairman Thibault asked should we table this until Leo Bernier can look at it.

Alderman Osborne stated again liability.

Chairman Thibault stated yes that is all going to have to be included.

Alderman Porter stated I think we have to look at the function, the Assessor's function is for market value of property period. I don't think that they should be venturing into leases or licenses and so forth. If it is a value of land, certainly a recommendation or something might come in a business discussion but I have always felt very strongly about things not being within the function of the Assessor's to get involved with.

Mr. Nichols responded what I meant before was that we could help them out. We can get them going on the market value.

Chairman Thibault replied you mean arriving at a figure. Is that what you are talking about?

Mr. Nichols answered yes.

Alderman Porter stated I am feeding you a way out in case you didn't realize it, Tom.

Alderman Roy moved to table the item and have Parks & Recreation, Planning, Assessor, and City Clerk get together and come back with a procedure that works for all departments. Alderman Porter duly seconded the motion. Chairman Thibault called for a vote. There being none opposed, the motion carried.

Alderman Roy stated since we did postpone the Hackett Hill Northwest business plan discussion until after Item 7 and we moved to 8, and 9 and 10 can we go back to Hackett Hill.

Alderman Gatsas stated Mr. Chairman there is a motion here that I made in this Committee that says "Alderman Gatsas moved to bring to the table all developers that want to bring ideas to the City to develop this industrial park along with MHRA." I am not looking to block them out but I think that anybody who has an idea and thinks that they can do it in a better timeframe it will be available to do that. Alderman Porter duly seconded the motion. There being none opposed, the motion carried. I guess we need to bring everybody to the table. I guess that was the motion Ms. Hills. You must have missed it.

Jane Hills, Assistant Economic Development Director stated can I ask for clarification. Are you asking us to refer this to the Board but to go out for an RFP?

Alderman Gatsas responded no I don't think I am referring it to the Board. I am referring it to this Committee that you bring whatever interested parties there would be in developing Hackett Hill including MHRA to the table.

Mayor Baines stated I have to go to a School Board meeting but the reason I am here is to discuss this issue. I would ask the Committee to rescind that action and continue the arrangement with the MHRA to market that property. The Economic Development Office is not in a position to market that property and bring in developers associated with that property. That is a relationship that we have had with the Manchester Housing and Redevelopment Authority for many years. It has worked effectively to redevelop the City and I believe the Committee should support going forward with that and further anything that would come out of the Committee regarding that would need to go to the full Board for approval anyway so I am urging the Committee to rescind that action and enter into an agreement with the Manchester Housing and Redevelopment Authority to develop and market Hackett Hill. That has worked well for the City and I urge you to continue that relationship.

Chairman Thibault stated I would have to agree, your Honor. We have been dealing with the Manchester Housing Authority for some 40 years and I have never seen any major...

Alderman Gatsas interjected with all due respect your Honor I think a week or so ago you stood before us and you talked about the Committee process and if this Committee made that for a motion I would think that the Committee process that you were so vehemently speaking in favor of would stand. I like having you on this side of the table so we can have this debate.

Mayor Baines responded that is great and I love it too and I would stay to debate more if you wish but I will let my statement stand that the Committee would need to go forward to the full Board of Mayor and Aldermen in dealing with any process in terms of marketing that property. You have development agreements that have been in effect not only with this property but with other properties. I feel they have served the City of Manchester well for well over 40 years. I don't think we should deviate from that process. We have a partner in the Manchester Housing and Redevelopment Authority. They have the expertise to market the property, do the due diligence in accordance with Board policy and then bring recommendations related to that property to the appropriate committees for handling of those matters. I stand by my statement.

Chairman Thibault replied I tend to agree, your Honor having been here for awhile and worked with the Housing Authority on many, many projects. I have never seen the City lose on anything they have done in the past and that is why I would support that fully.

Alderman Osborne asked is it true that it would cost more in the private sector than having it with MHRA.

Ken Edwards stated it is our opinion that since we are an arm of the City and we are doing this on a cost basis with no profit that it would be less expensive to develop the property this way. We are not in a position to purchase the property. We don't have the resources to purchase the property and to finance the infrastructure improvements and the engineering required for subdivision in order to get this property ready for development. We are at your service. We think that in order to achieve the highest and best use for this property that it should remain in City control and we are an arm of the City to do that.

Alderman Osborne asked what advantage would there be to have the private sector work with MHRA. What would be the advantage to the City?

Alderman Gatsas answered I am sure the private sector has two different...it is the risk reward in development. If the MHRA has no risk they don't participate as strongly because the reward is not as great. When you have a private developer obviously time is of the essence because the risk and the reward are there to induce the development of the project. When there is no risk and no reward as we have had with French Hall, it has been there for three or four years so again that is why I think this piece being as vital as it is to the City – 150 acres we need to get somebody to the table that is going to put in a risk and get the reward and get the City the best and most value that it can possibly get.

Alderman Porter asked Ken if anything is approved in the form of MHRA as the developer, I read somewhere and I don't know if it is here or not, about it could be rescinded if the agreement...what is the opportunity to rescind the agreement.

Mr. Edwards answered the agreement as we have laid it out has I believe a 90-day termination so if the City determines at any point that they are not happy with the process or the accomplishments then they certainly could discuss with us termination.

Alderman Gatsas stated I have developed...I have looked over in reviewing and taken a ride to some of the developers that the MHRA has been involved with and even though I did second Alderman Porter's motion I would like to, if we have to rescind, I would like to make a motion to rescind the prior action and approve MHRA as the developer.

Alderman Roy duly seconded the motion.

Alderman Roy stated while I didn't remember the reason the motion at the last meeting was taken it was because my understanding of it was severely different than what I believe Alderman Gatsas' intent was. I read this as Alderman Gatsas moved to bring to the table all developers that want to bring ideas to the City to develop this industrial park along with MHRA. I didn't view that in my yes vote as opposed to MHRA. I saw that as in conjunction with MHRA and, therefore, I voted in the affirmative. I, like my colleague in Ward 6, do believe that MHRA has brought a lot of benefit to the City. I do believe because of the nature of the business they are in it is a complex situation and I do believe that more communication is in order but I think we have made that point on many occasions that we need to hear more and things need to move at a more progressive rate – the sale of French Hall, the Brown School and other projects they have worked on I believe we need more communication to expedite projects but I would be in support of moving forward with MHRA.

Alderman Gatsas stated with all due respect to my colleague from Ward 1, it kind of shocks me because he is in this industry and I would think that risk reward is absolutely what it takes for the taxpayer to get the highest and best use out of what we are doing and obviously the value. I think that any time you put the taxpayer at risk for not maximizing its value I think it is detrimental to the taxpayer. We are fiduciary holders of the taxpayers and we should be looking at every way possible to maximize and it doesn't cost us anything to get somebody else to the table. It may give us a different idea that may take some risk in developing. Certainly he understands risk reward being in the industry.

Alderman Roy stated I have one question for you Ken. Is there anything that prohibits MHRA from working with anyone – private developers, industry leaders, man on the street, anything that prohibits you from working with anyone that could bring the best value to the taxpayer?

Mr. Edward asked are you talking about a partnership of some kind.

Alderman Roy answered if anyone comes to you regarding Northwest Business Park do you just rule them out because they are not qualified or do you have discussion with them for future development.

Mr. Edwards responded we have a contract with a real estate broker who was marketing the property for us. They screened those who had expressed interest and would contact us to discuss a particular use. If the use was not consistent with the objectives of the plan then we would say it is not. There have been instances where we have rejected proposals based on their not meeting the criteria established in the redevelopment plan. The plan is a covenant on the property, which guarantees that anybody that, invests in that area knows that their investment is sound because everybody else in the project area has to live up to and meet those requirements. That is usually something that assures quality construction and quality development.

Alderman Roy asked Ken those objectives and criteria, who sets those.

Mr. Edwards answered we have incorporated those into the development plan. They came out of the Master Plan that you approved in December. The design guidelines for all developers within the Northwest Business Park have to meet the design guidelines that are in the Master Plan and have been incorporated into our development plan.

Alderman Roy asked so in short the Board of Mayor and Aldermen approved the objectives and criteria.

Mr. Edwards answered that is correct.

Alderman Gatsas stated let me understand what you just said. MHRA hires a broker?

Mr. Edwards responded we have, yes.

Alderman Gatsas asked to develop the property.

Mr. Edwards answered no to market the property. To bring developers to us.

Alderman Gatsas responded well let's not play semantics with the words. Basically you are hiring a broker to develop the property.

Mr. Edwards replied no.

Alderman Gatsas responded well to bring developers to MHRA.

Mr. Edwards stated the property right now is 140 acres of undeveloped land. It has some infrastructure. We would hire a consultant to evaluate the existing infrastructure, design the new infrastructure in support of the total 140 acres, look at all of the buildable area within that 140 acres, decide how the property is going to be subdivided into marketable lots supplied with the necessary water, sewer, electric, street lighting, sidewalks, drainage and then bring the property through a real estate broker to the market. The real estate broker would bring proposals to us for our consideration that we would take to our commission ultimately for a decision if the development warranted their consideration based on its site utilization, quality of employment, increase in tax base and a commitment for compatible use.

Alderman Gatsas replied I understand all of that but at this time MHRA is not in a position to put down roads, lay the sewer lines and lay the water lines so that the property could be developed.

Mr. Edwards responded no those improvements need to be made.

Alderman Gatsas asked and who do you propose to make those, the City.

Mr. Edwards answered the Master Plan, again that you approved, lays out a 12-year plan for making those improvements. Through the sale of the land in the first four or five years there should be enough money generated in order to support making the infrastructure improvements and development of the rest of the park.

Alderman Gatsas asked but wouldn't it be in the best interest of the City that if a developer came in and wanted to spend \$5 million to layout roads and sewer lines and water lines wouldn't that be something that we should take a look at as being responsible to the taxpayers of this City.

Mr. Edwards answered it is certainly an approach. If we are hiring a contractor to do that work at cost I just don't see a developer...as you say there are risks. Risk means couch your price. I mean we are talking about actual costs. If he is exposed to that level then he has to protect himself against increases in cost and he has to make a profit and in my opinion the City loses some control. If you are going to expect the developer to step up to the plate and purchase the property to develop then he is not going to want to be particularly accountable to you or to the City through that process. He is going to want to do it his way. He is going to want to make all of the decisions. It is possible that it could turn out very, very well but there is a significant risk that it wouldn't in my opinion.

Chairman Thibault stated in the Master Plan we have certain types of businesses that are to go in there. Would a private contractor have to obey those rules?

Mr. Edwards responded yes. The property is in a zoning district and people who develop there need to do so according to the zoning.

Chairman Thibault called for a vote on the motion that the existing Cooperation Agreement dated November 6, 2002 between the City and the Manchester Housing & Redevelopment Authority be approved, thereby, authorizing the MHRA to act as a redeveloper for the Northwest Business Park at Hackett Hill and to approve the formal Development Plan for the Northwest Business Park. The motion carried with Alderman Gatsas being duly recorded in opposition.

Alderman Roy stated I would also like to have amended on Page 2 of the Cooperation Agreement where it says Section 3, "all local and municipal authority and financial responsibility with respect to projects referred to herein are to be authorized by the Board of Mayor and Aldermen of the City and thereafter shall be overseen and monitored by" and I would like to make the change from the Aldermanic Special Committee on Civic Center to Committee on Lands and Buildings.

Mr. Edwards responded in the version that got passed out tonight we made that correction.

Alderman Gatsas asked how can you make that. You can't make that change?

Alderman Roy answered we can ask the Board of Mayor and Aldermen to do it.

Alderman Gatsas stated it is already done. It is already in that agreement. You can't change it. It has to go to the Committee that was designated when this all started.

Alderman Roy asked can the Solicitor weigh in on that.

Deputy Solicitor Arnold stated the Board can certainly take action to change that provision.

Chairman Thibault stated it is something that you would have to bring to the Board.

Alderman Roy responded yes and I am requesting that this Committee look at the Cooperation Agreement and send a recommendation to the full Board that that line be changed from Special Committee on Civic Center to Lands and Buildings.

Alderman Gatsas stated we don't have the authority to do that change.

Alderman Roy replied we are not doing anything. We are asking the Board of Mayor and Aldermen to take action. That is what we do with everything we do.

Alderman Osborne asked are you talking about the Verizon Committee. Which committee are you talking about?

Chairman Thibault responded the Civic Center Committee.

Alderman Osborne asked how was it put there in the first place.

Alderman Roy stated it was created for the Verizon.

Alderman Porter stated I have a question for the Solicitor. Can we or can we not make the recommendation that the Board do what Alderman Roy requested?

Deputy Solicitor Arnold responded the Committee can certainly make a recommendation. It would take action by the Board. I believe that MHRA has already consented to that change.

Alderman Porter asked but we would have the authority to make that recommendation.

Deputy Solicitor Arnold answered yes.

Alderman Osborne asked how was it put there in the first place.

Deputy Solicitor Arnold replied I think Mr. Edwards might be better able to answer that than I but I believe that MHRA wanted a Committee that it could go to and that Committee had been in place at the time and was used on the civic center. That is how it ended up there.

Mr. Edwards stated it was just a holdover. The original Cooperation Agreement was approved by the City on November 6, 2002. This is the fourth project under that Cooperation Agreement and each of the previous projects, 1, 2 and 3, also have that language. We did not pay attention to the fact that the Civic Center Committee had been abolished I guess.

Alderman Gatsas responded it isn't.

Mr. Edwards stated we worded it so that it could be or as designated by the City.

Alderman Osborne asked why do you want to change all of the sudden from that over to Lands and Buildings.

Mr. Edwards answered we don't. It is strictly up to you. We were following instructions we were given that's all.

Alderman Gatsas asked who gave you the instructions.

Mr. Edwards responded I don't remember. After the last meeting we were told that there was a problem with referring it to the Civic Center Committee and we said what should we do and they said Lands and Buildings. I don't remember who specifically.

Alderman Lopez stated I think the City Solicitor answered it but just as a fast note the question was asked why the Civic Center Committee and somebody said Lands and Buildings and I think that is where they got the idea to change it. The Civic Center Committee still does exist and Alderman Porter is correct. We can make a recommendation to the full Board and they will decide what Committee it will report to.

Mr. Edwards stated we are happy to report wherever you tell us to.

Chairman Thibault stated Alderman Roy if you want to bring that to the full Board...

Alderman Roy interjected the motion was just to and with all due respect to the Civic Center Committee this has been in our Committee for the better part of how many years now.

Alderman Gatsas stated the gentleman just told you that there were three projects that were done and the three projects went through the Civic Center Committee. There is no reason why that should change at this point. That was just stated.

Alderman Roy responded it was also stated that it was an oversight that it was never changed and all of the projects just kept going to the Civic Center Committee.

Alderman Gatsas stated well that might have been because Alderman Wihby was there.

Chairman Thibault stated the Solicitor said that he has a right to bring it to the full Board.

Alderman Porter duly seconded the motion to recommend to the full Board that the oversight Committee in the Cooperation Agreement with MHRA be changed from Special Committee on Civic Center to Lands and Buildings. Chairman Thibault called for a vote. The motion carried with Aldermen Gatsas and Osborne being duly recorded in opposition.

11. Discussion of area for dog park.
(Tabled 07/27/2004 pending review and report from Parks, Highway and Planning.)
Parks – Pine Grove Cemetery area - not suitable
Highway – Landfill area – accept subject to areas being fenced and controlled access
Planning – Landfill area – most suitable location

This item remained on the agenda.

12. Use of Landfill area – NH Flying Tigers R/C Club, Inc.
(Tabled 07/27/2004 pending review of dog park information.)

This item remained on the agenda.

13. Request by Leo Bernier to purchase TM 415, Lot 1.
(Tabled 11/15/2004 pending preliminary archeological report or study.)
Board of Assessors – no report submitted
Planning – recommends not find surplus at this time until preliminary testing by archaeological experts be completed to determine general conservation worthiness.
Tax Collector – no objections to disposition
Highway – no use for property except for easement

This item remained on the agenda.

14. Request by Nicholas Bonardi to purchase a discontinued portion of So. Bedford Street at South Commercial Street.
(Tabled 11/15/2004 pending further review.)
Board of Assessors – value range \$17,340 - \$21,675
Planning – dispose to Mr. Bonardi with condition of consolidation with TM 274/Lot 7A
Tax Collector – no objections to disposition, not tax deeded-parcel

This item remained on the table.

15. Communication from Robert MacKenzie, Planning Director, referenced as Blacksmith Shop on Second Street.
(Tabled 11/15/2004 pending further review by CIP Committee.)

This item remained on the table.

OTHER BUSINESS

Alderman Forest stated under old business you had 22 Francis Street on your agenda I think at the last meeting and it was referred to the full Board. The only reason I am bringing this up is I had some constituents here tonight who thought it was on the table and that it was going to be discussed. They are watching and I wanted to let them know that it was killed in the Zoning Board because Mr. Soucy didn't have the authority so it is no longer in the Zoning Board and no longer here. It is a dead issue at this point.

There being no further business, on motion of Alderman Gatsas, duly seconded by Alderman Porter it was voted to adjourn.

A True Record. Attest.

Clerk of Committee